

**REMARKS**

**Petition for Extension of Time Under 37 CFR 1.136(a)**

It is hereby requested that the term to respond to the Examiner's Action of January 20, 2006 be extended one month, from April 20, 2006 to May 22, 2006.

Authorization to charge a Credit Card is given to cover the extension fee. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 19-5425.

Applicants enclose a Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address, signed by an attorney of record. Applicants ask that the new Power of Attorney and Change of Address be entered into the Patent Office file.

In the Office Action, the Examiner indicated that claims 1 through 11 are pending in the application and the Examiner rejected all claims.

**Claim Rejections, 35 U.S.C. §103**

On page 2 of the Office Action, the Examiner rejected claims 1-2, 4, 6-7, and 9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,903,850 to Huttunen et al. in view of U.S. Patent No. 4,122,304 to Mallien, II. On page 3 of the Office Action, the Examiner rejected claims 5 and 10-11 under 35 U.S.C. §103(a) as being unpatentable over Huttunen et al. in view of Mallien, II and further in view of U.S. Patent No. 4,890,102 to Oliver. On page 4 of the Office Action, the Examiner rejected claims 3 and 8 under 35 U.S.C. §103(a) as being

unpatentable over Huttunen et al. in view of Mallien, II and further in view of U.S. Patent No. 5,628,055 to Stein.

**The Examiner has not Established a *prima facie* Case of Obviousness**

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.

**MPEP 2143**

In its affirmance of the rejection of claims 1, 2, 4, 6, 7, and 9, the BPAI agreed that Mallien indicates to a user when the other party's phone number may be transmitted, i.e., the BPAI agreed that Mallien illuminates the green transmit light when a channel is available. The BPAI also indicated, however, that "as broadly worded, we find nothing in the language of claim 1 that would preclude the indicator light from also being on before the radio is transmitting". (*BPAI Decision, page 11, lines 6-9*). Applicant has, by this amendment, amended claims 1 and 6 to specifically require that the visual indicator does not provide the visual indication of the transmission of the radio until the radio actually begins transmitting (amended claim 1, "... a first visual indicator that begins providing a visual indication to a user of said wireless terminal when a radio begins transmitting ..."). Claim 6 contains similar limitations with respect to the receiving function of the wireless terminal.

In addition, claim 11 has been amended to include the same limitations with respect to the dual transmission and receiving functions of the present invention.

Since independent claims 1, 6, and 11 each now specify that the transmission and/or receive indication of the present invention does not occur until the radio begins transmitting and/or receiving, it is submitted that each of the independent claims patentably define over the cited references and are in condition for allowance.

Applicant notes that the addition of the newly-cited Oliver patent does not provide the missing suggestion (or teaching) with respect to the providing of a visual indication when the transmission and/or receive function begins. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-11.


### **Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

Included herein is a Petition for extension of time to respond to the Examiner's Action.  
The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

MAY 22 2005  
Date

  
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